

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 2.1. Procedures for In – Use Vehicle Voluntary and Influenced Recalls

§ 2114. Voluntary and Influenced Recall Plans.

(a) The recall plan for both voluntary and influenced recalls shall contain the following information unless otherwise specified:

(1) A description of each class or category of vehicle or engine subject to recall including the number of vehicles or engines to be recalled, the engine family, test group or a subgroup thereof, the model year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the nonconformity and the specific modifications, alterations, repairs, adjustments, or other changes to be made to correct the vehicles or engines.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the manufacturer's method and schedule for notifying the service facilities and vehicle or engine owners of the recall.

(4) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity. This shall include the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor to remedy the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

(5) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of persons.

(6) A copy of the letter of notification to be sent to vehicle or engine owners.

(7) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the recall plan, including the date by which an adequate supply of parts will be available to initiate the repair campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(8) A copy of all necessary instructions to be sent to those persons who are to perform the repair.

(9) A description of the impact of the proposed repairs or adjustments on fuel economy, driveability, performance and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data, technical studies, or engineering evaluations which support these descriptions.

(10) Under an influenced recall, an estimate of the capture rate from the proposed recall derived from actual data and/or manufacturer experience. A 60 percent capture rate shall be assigned for recalls based exclusively on noncompliance as defined in Section 2112(h)(1), above.

(11) Under an influenced recall based on noncompliance as defined in Section 2112(h)(2), above, a description of the impact of the proposed changes on the average emissions from the vehicles or engines to be recalled. The description shall contain the following:

(A) Average noncompliance emission levels.

(B) Average emission reduction per pollutant resulting from the recall repair. These averages shall be verified by the manufacturer by applying the proposed recall repairs to two or more in-use vehicles or engines representing the average noncompliance emission levels. Only those vehicles or engines with baseline-emission levels within 25 percent of the average emission levels of noncomplying pollutant(s) established under the in-use enforcement test program may be used by manufacturers to verify proposed recall repairs. The Executive Officer may allow the use of vehicles or engines exceeding these limits if none which meet the limits can be reasonably procured. In the case of heavy-duty engines, the average emission levels may be verified using laboratory engines, subject to approval by the Executive Officer.

(C) An estimate of the average emission level per pollutant for the class or category of vehicles or engines after repair as corrected by the estimated capture rate. The estimated average emission level shall comply with the applicable emission standard. The Executive Officer may waive the requirement for average emission compliance with the standards provided the emission level per vehicle repaired is reduced to its new-vehicle certification emission level at a minimum capture rate of 60 percent.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

REFERENCE